IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 7TH NOVEMBER 2006 / 16TH KARTHIKA 1928

MFA.No. 65 of 2003()

OPMV.483/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, NEYYATTINKARA

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APPELLANT: 1ST RESPONDENT:

THE MANAGING DIRECTOR, TAMILNADU
STATE TRANSPORT CORPORATION,
(MADURAI DIVISION-III)LTD. RANITHOTTAM,
NAGERCOIL, KANNYAKUMARI DISTRICT.

BY ADV. SRI.SUBHASH CYRIAC

RESPONDENTS: CLAIMANT:

SAJI KUMAR, S/O. SUDARSANA KUMAR,
PADMA HOUSE, KARINGALMMOODU,
MANNAMKONAM P.O., OTTA SEKHARAMANGALAM.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.NAIR AJAY KRISHNAN
SRIRAJAN VELLOTH
SRI.SAIJO HASSAN

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 07/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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M.F.A.No.65 of 2003

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Dated this the 7th day of November, 2006.

JUDGMENT

This appeal against an award of the Motor Accidents Claims Tribunal, Neyyattinkara is by a public sector undertaking, the owner of the bus.

2. The insured claimant, then aged 18 years, lost his right big toe, which was found to be hanging as a result of the accident and that was amputated. The Tribunal elaborately considered the materials on record, including the deposition of the claimant as P.W.1 and Exts.A2 and A3 wound certificates, Exts.A4 to A8 hospital records as also Ext.A9 medical bills and came to the conclusion that he had suffered serious injuries and the accident led to the amputation of his right big toe from the metatarsal phalangeal joint. In fixing the compensation, the Tribunal noticed that as per Schedule I of the Workmen's Compensation Act, 1923, the loss of big toe would be treated as one resulting in 14% permanent disability and accordingly fixed the

compensation by determining the amount of compensation due on account of permanent disability as Rs.45,360/-. The Tribunal also granted an amount of Rs.10,000/- towards pain and suffering, Rs.15,000/- towards loss of amenities and enjoyment in life to the petitioner, who was aged only 18 years. Certain other incidental amounts were also granted towards medical expenses, damage to clothing etc. Having heard counsel for both the parties, I am satisfied that the award passed by the Tribunal is just and reasonable. I do not find any ground to interfere with the award. Appeal fails. It is accordingly dismissed.

Thottathil B.Radhakrishnan,
Judge.

sl.

Thottathil B. Radhakrishnan, J.

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M.F.A.No.65 of 2003

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JUDGMENT

Dated:7-11-2006